

## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	21-Apr-06	APPL. S. N.:	10735541
To Examiner:	DAVIDSON, DAN I.	Art Unit	2651
From	Jefferson, Henry PARALEGAL SPCEPECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

**SUBJECT:** Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- The T.D. is PROPER and has been recorded (see 14.23).
- The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- The TD fee of [ ] has not been submitted nor is there any authorization in the application file for the use of a deposit account
  - The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
  - The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
  - The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see 14.26 & 14.26.02).
  - The person who signed the T.D.:
    - is not an attorney “of record” (see 14.29 and 14.29.01).
    - has failed to state his/her capacity to sign for the business entity (see 14.28).
    - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
  - No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
  - The T.D. is not signed (see 14.26 & 14.26.03).
  - The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
  - The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
  - The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
  - Other: [ ] 
  - Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date:

<b>Application Number</b> 	Application/Control No. 10/735,541	Applicant(s)/Patent under Reexamination BLAUM ET AL.
<b>Document Code - DISQ</b>		<b>Internal Document – DO NOT MAIL</b>

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : April 12, 2006	This patent is subject to a Terminal Disclaimer	

**Approved/Disapproved by:**

Henry D. Jefferson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mario Blaum, et al.

Serial No.: 10/735,541

Filed: 12/12/2003

Confirmation: 2719

Art Unit.: 2651

Examiner: D. Davidson

Docket #: HSJ92003087US1

For: **SKEW-TOLERANT GRAY CODE FOR A MOVEABLE OBJECT**

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date April 7, 2006, in an envelope addressed to:  
Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450

April 7, 2006  
Date

Torraine A. Meador  
Signature

MAIL STOP: AMENDMENT  
Commissioner for Patents  
Box 1450  
Alexandria, VA. 22313-1450

Sir:

**TERMINAL DISCLAIMER**

HITACHI GLOBAL STORAGE TECHNOLOGIES-NETHERLANDS BV ("Hitachi")  
the owner of the entire right, title and interest in the instant application hereby disclaims  
the terminal part of the statutory term of any patent granted on the instant application  
that would extend beyond the expiration date of the full statutory term of prior U. S.  
Patent No. 6,885,321 as the term of the prior patent is defined in 35 U.S.C. 154 and 173,  
and as the term of the prior patent is presently shortened by any terminal disclaimer. The  
owner hereby agrees that any patent so granted on the instant application shall be  
enforceable only for and during such period that it and the prior patent are commonly  
owned. This agreement runs with any patent granted on the instant application and is  
binding upon the grantee, its successors, or assigns.

10735541  
04/13/2006 RHEBRAHT 00000004 302587 10735541  
04/13/2006 RHEBRAHT 00000050 302587  
01 FC:1014 130.00 DA

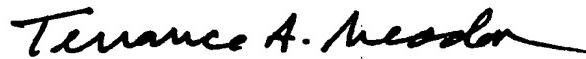
In making this disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of the prior patent is presently shortened by any terminal disclaimer", in the event that the prior patent later:

expires for failure to pay a maintenance fee;  
is held unenforceable;  
is found invalid by a court of competent jurisdiction;  
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;  
has all claims canceled by a reexamination certificate;  
is reissued; or  
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I, Terrance A. Meador, am attorney of record, and I am authorized to sign this Terminal Disclaimer on behalf of the owner.

The Commissioner is authorized to charge Deposit Account # 50-2587 in the amount of \$130.00 to cover the applicable large entity fee for a Terminal Disclaimer under 37 CFR 1.20(d).

Respectfully Submitted



Date: April 7, 2006

TERRANCE A. MEADOR  
Reg. No. 30, 298

INCAPLAW  
1050 Rosecrans Street, Suite K  
San Diego, CA. 92106

Telephone: (619) 222-2531 Fax: (619) 222-2327